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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

In re D.M., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

D.M.,

Defendant and Appellant.

E056295

(Super.Ct.No. RIJ1101043)

OPINION

APPEAL from the Superior Court of Riverside County. Roger A. Luebs, Judge.

Affirmed with directions.

Sheila Quinlan, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, and A. Natasha Cortina and Annie Featherman Fraser, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant, D.M., admitted to several wardship violations and was placed at Twin Pines Ranch. On appeal, he contends the juvenile court failed to calculate his predisposition custody credits. The People agree. For the reasons set forth below, we remand this case for the juvenile court to calculate D.M.'s predisposition custody credits. In all other respects, disposition of the juvenile court is affirmed.

### **FACTS AND PROCEDURE**

On August 3, 2011, a Welfare and Institutions Code section 602 petition was filed alleging D.M., a minor, possessed methamphetamine and drug paraphernalia. (Health & Saf. Code, §§ 11377, subd. (a), 11364.) On September 27, 2011, a new petition was filed alleging D.M. committed automobile theft (Pen. Code, § 10851, subd. (a)), battery (Pen. Code, § 242), brandished a firearm (Pen. Code, § 417, subd. (a)(1)), and made a criminal threat (Pen. Code, § 422).

On October 13, 2011, D.M. admitted the allegation that he possessed methamphetamine and committed automobile theft and battery. The maximum term of confinement was three years ten months, and D.M. had 18 days of custody credit. D.M. was committed to juvenile hall for 18 to 36 days, and given credit for time served.

On November 17, 2011, another petition was filed alleging D.M. possessed methamphetamine, possessed paraphernalia, and was under the influence of a controlled substance. (Health & Saf. Code, §§ 11377, subd. (a), 11364, 11550.) On November 18, 2011, D.M. admitted the allegation that he possessed methamphetamine. He also admitted he violated the terms and conditions of his wardship. The court committed him

to juvenile hall for 45 to 90 days. The maximum term of confinement was four years six months, and D.M. had three days of custody credits.

On January 20, 2012, D.M. was notified that he violated his wardship by testing positive for drugs. D.M. admitted the violation. The court referred him to be screened by a treatment program called Wraparound.

On February 21, 2012, a subsequent petition was filed alleging D.M. possessed marijuana on school grounds. (Health & Saf. Code, §11357, subd. (e).) D.M. admitted the allegation. D.M. was ordered to cooperate with the Wraparound program, and to be committed to juvenile hall for 35 to 70 days. The maximum term of confinement was four years six months, and D.M. had 35 days of custody credit.

On April 10, 2012, D.M. was notified that he violated conditions of his wardship in that he left home without permission, used methamphetamine, failed to comply with all aspects of the Wraparound program, failed to meet with his probation officer, failed to attend school, and left home without permission. On April 16, 2012, D.M. admitted the wardship violations. The maximum term of confinement was four years six months. The court ordered D.M. to be placed in a suitable foster, group home, relative home, county facility, or private facility. On April 20, 2012, D.M. was placed at Twin Pines Ranch. He filed a timely notice of appeal.

### **DISCUSSION**

D.M. claims, and the People agree, that the juvenile court failed to determine D.M.'s predisposition custody credits.

“[A] minor is entitled to credit against his or her maximum term of confinement for the time spent in custody before the disposition hearing. [Citations.] It is the juvenile court’s duty to calculate the number of days earned, and the court may not delegate that duty.” (*In re Emilio C.* (2004) 116 Cal.App.4th 1058, 1067.)

Here, the juvenile court imposed an aggregate maximum period of confinement of four years six months. However, the court did not calculate D.M.’s predisposition custody credits. Therefore, we agree with the parties that the case should be remanded for the juvenile court to determine D.M.’s predisposition custody credits.

**DISPOSITION**

The matter is remanded to the juvenile court with directions to determine D.M.’s predisposition custody credits. In all other respects, the judgment is affirmed.

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RAMIREZ

P. J.

We concur:

RICHLI

J.

KING

J.